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03 SCHWAB, et al., :
04 : CV-04-1945 (JBW)(SMG)
05 Plaintiffs, :
06 : October 26, 2005
07 v. :
08 : Brooklyn, New York
09 PHILLIP MORRIS, INC., :
10 et al., :
11 Defendants. :
12 :
13 -----X

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16 TRANSCRIPT OF CIVIL CAUSE FOR TELEPHONE CONFERENCE
17 BEFORE THE HONORABLE STEVEN M. GOLD
18 UNITED STATES MAGISTRATE JUDGE

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20 APPEARANCES:

21
22 For the Plaintiff: MR. HAUSEFELD, ESQ.

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26 For the Defendant: TED GROSSMAN, ESQ.
27 MURRAY GARNICK, ESQ.

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41 Proceedings recorded by electronic sound recording,
42 transcript produced by transcription service

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01 all of the different witnesses as you folks are, so it's
02 harder for me to jump around.

03 So I guess we're starting with Hauser. Why don't
04 we see then if we can find a deposition date that's
05 agreeable to everybody for Dr. Hauser, while we're on the
06 phone together, on the assumption that you'll work these
07 remaining issues out in the near future.

08 What date would the defendants like to depose Dr.
09 Hauser?

10 MR. GARNICK: Your Honor, this is Murray Garnick.
11 I thought from reading the plaintiff's submissions that
12 we're going to be getting a new Hauser report. Is that not
13 true?

14 MR. HAUSFELD: Mr. Garnick, your Honor, is
15 correct. If plaintiffs are permitted or authorized to
16 proceed with the suggestion contained in the Court's
17 decision with respect to the statute of limitations, there
18 will be a new survey to respond precisely to the Court's
19 suggestion.

20 THE COURT: I thought that was Dr. Byer.

21 MR. HAUSFELD: Dr. Hauser will do that survey, and
22 we're prepared to proceed in this matter. If they want to
23 take Dr. Hauser now --

24 THE COURT: No, they don't.

25 MR. HAUSFELD: -- and then wait for the next

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18 I certify that the foregoing is a correct transcript
19 from the electronic sound recording of the proceedings in
20 the above-entitled matter.

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25 ELIZABETH BARRON

October 27, 2005